IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 868 OF 1990

Arvind Keshavrao Shirgurkar
Age 39 years, resiident of
Belgaum, Dist. Belgaum,
Karnataka State. ... Appellant.

Versus.

1. Smt.Arnarkali Dastgir Banedar,
2. Jappulla Dastgir Banedar,
3. Reshma Dastgir Banedar,
4. Aprin Dastgir Banedar
5. Smt.Gulshanbi Hamjekhan Banedar.
   all residing Ugar Khurd,
   Tal. Athani, Dist.Belgaum,
   Karnataka State.
6. Laxman Annappa Hingmire
   S.T.Driver, Sangli.
7. Maharashtra State Road
   Transport Corporation, Sangli.
8. Bhimsen Gurupad Yastti,
   Ugar Khurd, Tal. Athani,
   Dist.Belgaum, Karnataka.
9. Ganpatrao Laxman Todakar,
   Ugar Khurd, Tal. Athani,
   dist.Belgaum, Karnataka. ... Respondents.

Shri Nitin Mhatre for the Appellant.

Mrs.Anita Agarwal for Respondents Nos.1 to 3 & 5.

Shri G.S.Hegde for the Respondent No.7.

CORAM : ABHAY S.OKA, J.

DATED : 10th March, 2006.

ORAL JUDGMENT.

1. This Appeal arises out of an order made under section 92A of the Motor Vehicle Act, 1939 in favour of

the legal representatives of the deceased. The deceased at the time of accident was the pillion rider of a motor cycle owned by the Appellant. The learned Member of the Tribunal allowed the Application made by the original Claimants and held that the Appellant being the owner of the Motor Cycle and the original Opponent No.2-Maharashtra State Road Transport Corporation, owner of the bus involved in the accident are jointly and severally liable to pay the sum of Rs.15,000/- with interest to the Claimants.

2. The only submission made by the Advocate for the Appellant is that there was a valid insurance policy applicable to the two wheeler in question and therefore, the insurance company is liable to pay compensation in case of loss of life of the pillion rider.

3. The said submission of the learned Advocate for the Appellant cannot be accepted in view of the law laid down by this Court in a decision reported in 2002 (2) B.C.R. page 682 (New India Assurance Company Ltd. v/s. Babasaheb Anna Mali and others). There is no merit in the Appeal. The Appeal is dismissed with no order as to costs.

Judge.